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16 Attorneys for Defendant and Counterclaimant,
Blockbuster Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 NETFLIX, INC., a Delaware corporation,

21 Plaintiff,

22 vs.

23 BLOCKBUSTER INC., a Delaware
corporation, DOES 1-50,

24 Defendants.
25

26 AND RELATED COUNTER ACTION.
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CASE NO. C 06 2361 WHA

**[PROPOSED] ORDER RE
SCHEDULE FOR CLAIM
CONSTRUCTION**

Complaint Filed: April 4, 2006

1 In accordance with Paragraph 4 of the Court's June 30, 2006 Case
2 Management Order, counsel for the parties have conferred and jointly propose the
3 following briefing schedule leading up to the patent claim construction hearing for
4 this case, which is scheduled for January 31, 2007.

5 **October 4, 2006** – Parties to exchange proposed terms and claim
6 elements for construction under Patent L.R. 4-1(a).

7 **October 25, 2006** – Parties to exchange preliminary proposed claim
8 constructions and provide extrinsic evidence for claim construction under Patent
9 L.R. 4-2(a)-(b).

10 **November 15, 2006** – Parties to file Joint Claim Construction and Pre-
11 Hearing Statement under Patent L.R. 4-3.

12 **November 29, 2006** – Parties' deadline to complete discovery relating
13 to claim construction, including expert depositions on claim construction issues,
14 under Patent L.R. 4-4.

15 **December 6, 2006** – Netflix to file its opening claim construction brief
16 under Patent L.R. 4-5(a).

17 **December 27, 2006** – Blockbuster to file its responsive claim
18 construction brief under Patent L.R. 4-5(b).

19 **January 10, 2007** – Netflix to file its reply brief under Patent L.R. 4-
20 5(c).

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January 31, 2007 – Claim Construction Hearing

DATED: July 28, 2006 KEKER & VAN NEST, LLP

By Leo L. Lam /s/
Attorneys for Plaintiff and Counterdefendant,
Netflix, Inc.

DATED: July 28, 2006 ALSCHULER GROSSMAN STEIN & KAHAN LLP

By William J. O'Brien /s/
Attorneys for Defendant and Counterclaimant,
Blockbuster Inc.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____, 2006

Honorable William H. Alsup
United States District Judge